

United States District Court
Eastern District of Washington

J J DIPPEL



(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Sirius XM Radio

Case No. **2:17-CV-0157-TOR**
(To be filled out by Clerk's
Office only)

COMPLAINT

Jury Demand?

☐ Yes

☒ No

(In the space above enter the full name(s) of the defendant(s).

If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section I. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

I. PARTIES IN THIS COMPLAINT**Plaintiff**

List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff:

DIPPET J J
 Name (Last, First, MI)
 1018 E. Wishkah #321
 Street Address
 Grays Harbor, Aberdeen, WA 98520
 County, City State Zip Code
 360-293-6207
 Telephone Number E-mail Address (if available)

Defendant(s)

List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

Sirius XM Radio
 Name (Last, First)
 1221 Avenue of the Americas
 Street Address
 New York, New York, NY 10020
 County, City State Zip Code

Defendant 2:

 Name (Last, First)

 Street Address

 County, City State Zip Code

Defendant(s) Continued

Defendant 3:

Name (Last, First)

Street Address

County, City

State

Zip Code

Defendant 4:

Name (Last, First)

Street Address

County, City

State

Zip Code

II. BASIS FOR JURISDICTION

Check the option that best describes the basis for jurisdiction in your case:

- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant.
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.
- ☒ **Federal Question:** Claim arises under the Constitution, laws, or treaties of the United States.

If you chose "Federal Question", state which of your federal constitutional or federal statutory rights have been violated.

Telephone Consumer Protection Act

III. VENUE

This court can hear cases arising out of the Eastern District of Washington.

Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.

Venue is appropriate in this Court because:

Although my current address is Grays Harbor County, I will be relocating to Dayton, Washington in June of 2017. Dayton, WA is in this jurisdiction. I plan to purchase a house. I will keep the court updated on my address.

IV. STATEMENT OF CLAIM

Place(s) of occurrence:

Although the phone calls occurred while I was vacationing in Colorado, I am a resident of Washington with a Washington phone number.

Date(s) of occurrence:

April 20, 2017 to current

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.

FACTS:

What happened to you?

My phone number has been on the DO NOT call list since 2003. I do not have an existing business relationship with Sirins XM Radio. Sirins XM Radio called my phone in violation of the Telephone Consumer Protection Act.

The fact that I was in Colorado at the time most of the calls occurred is irrelevant. I am a resident of Washington State with a Washington State phone number.

Was
anyone
else
involved?

I purchased a car from a Washington State dealer. The Washington State dealer would not allow me to opt out of 6 months of Free Sirius Service. I tried to opt out. I asked the dealer to NOT provide my name to Sirius. I was told "we have to." I was given no opportunity to opt out.

I am choosing not to include the Auto Dealer and the Auto Maker because I believe Sirius XM Radio has a duty to oversee their marketing agreements with Auto dealers and to ensure Auto dealers allow customers the opportunity to opt out of the free Sirius XM Radio Service. The Auto Dealer provided my information to Sirius without my consent. I place the blame on Sirius for the Auto dealer not giving me the opportunity to opt out.

Who did
what?

Sirius XM Radio called my phone number in violation of the Telephone Consumer Protection Act.

V. INJURIES

If you sustained injuries related to the events alleged above, describe them here.

no physical injuries

VI. RELIEF

The relief I want the court to order is:

☐ Money damages in the amount of: \$ _____

☒ Other (explain):

NTE \$20,000. According to the Telephone Consumer Protection Act, the value of the calls so far is:

4 @ \$500 = \$2,000

11 @ \$1,000 = \$11,000


\$13,000

I am specifying "NTE \$20,000" in case I get more calls.

VII. CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

<u>May 5, 2017</u>	<u></u>		
Dated	Plaintiff's Signature		
<u>DIPPEL</u>			
Printed Name (Last, First, MI)			
<u>1018 E. Wishkah #321</u>	<u>Aberdeen</u>	<u>WA</u>	<u>98520</u>
Address	City	State	Zip Code
<u>360-293-6207</u>	<u>refuse</u>		
Telephone Number	E-mail Address (if available)		

List the same information for any additional plaintiffs named. Attach additional sheets of paper as necessary.